

APR 27 2005

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FROM: James J. Mullen III, Ph.D. – Reg. No. 44,957 DATE: April 27, 2005

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Comments:

ATTORNEY DOCKET: 300622001610
 GROUP ART UNIT: 1652
 EXAMINER: K. Kerr
 SERIAL NO.: 09/851,650
 FILING DATE: May 8, 2001
 INVENTOR(S): Philip J. BARR et al.
 TITLE: PRODUCTION OF POLYKETIDES IN BACTERIA AND YEAST

Papers attached:

1. Transmittal (1 page)
2. Fee Transmittal (1 page + duplicate for fee processing)
3. Appeal Communication to TC – Notice of Appeal (1 page)

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SD-257165

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/851,650		
Filing Date	May 8, 2001		
First Named Inventor	Philip J. BARR		
Art Unit	1652		
Examiner Name	K. Kerr		
Total Number of Pages in This Submission	5	Attorney Docket Number	300622001610

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (1 page + duplicate for fee processing)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) (1 page)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile coversheet (1 page)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Customer No. 25225	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	James J. Mullen III, Ph.D.		
Date	April 27, 2005	Reg. No.	44,957

I hereby certify that this correspondence is being facsimile transmitted to MS AF of the Patent and Trademark Office, facsimile no. (703) 872-9308, on the date shown below.

Dated: April 27, 2005 Signature:  (Grace Yu)

sd-257162

PTO/SB/17 (12-04v2)

Approved for use through 7/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2005		Application Number	09/851,650
		Filing Date	May 8, 2001
		First Named Inventor	Philip J. BARR
		Examiner Name	K. Kerr
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	1652
TOTAL AMOUNT OF PAYMENT (\$)		250.00	Attorney Docket No. 300622001610

METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> None	<input type="checkbox"/> Other (please identify): _____
<input checked="" type="checkbox"/> Deposit Account		Deposit Account Number: 09-1952		Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fees Paid (\$)
Utility	300	150	500	250	200	100	0.00
Design	200	100	100	50	130	65	0.00
Plant	200	100	300	150	160	80	0.00
Reissue	300	150	500	250	600	300	0.00
Provisional	200	100	0	0	0	0	0.00

2. EXCESS CLAIM FEESFee Description

Each claim over 20 (including Reissues)

		Small Entity
Fee (\$)	Fee (\$)	
		50
		25
		200
		100
		360
		180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
	=	0	x	=	0.00

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

= 0 x = 0.00

Total Sheets	Extra Sheets	Number of each additional \$0 or fraction thereof	Fee (\$)	Fee Paid (\$)	
	=	/50	(round up to a whole number x	=	0.00

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 2401 Notice of appeal

Fee Paid (\$)

0.00

250.00

SUBMITTED BY		<i>[Signature]</i>	Registration No. (Attorney/Agent)	44,957	Telephone	(858) 720-7940
Name (Principal)	James J. Mullen III, Ph.D.		Date	April 27, 2005		

sd-257161

PTO/SB/31 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 300622001610
In re Application of Philip J. BARR et al.		
Application Number 09/851,650		Filed May 8, 2001
For PRODUCTION OF POLYKETIDES IN BACTERIA AND YEAST		
Art Unit 1652	Examiner K. Kerr	

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 250.00
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 03-1952. I have enclosed a duplicate copy of this sheet.
- Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

I am the

- applicant/inventor.
- assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- attorney or agent of record.
Registration number _____
- attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34. 44,957
- 
- Signature
- James J. Mullen III, Ph.D.
Typed or printed name
- (858) 720-7940
Telephone number
- April 27, 2005
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

*Total of 1 forms are submitted.

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Dated: April 27, 2005 Signature:  (Grace Yu)

sd-257160